

HEARING MINUTES

1. **Kind of meeting:** Appeal Hearings

2. **Date:** December 14, 2016 **Place:** Hearings Room

3. **Present:** Jeff Painter, Christopher Curtis, Henry Marsh, , Pam Boggs, Travis Hill,

- Special meeting of Board to consider Appeal cases
- 10:30 a.m. - Closed session - J. Painter moved that the Board enter closed session pursuant to 2.2-3711(A)(7) to receive advice from counsel; 2nd- H. Marsh - the Board unanimously (Painter, J. Napier, Marsh) voted to go into closed session Attendance at closed session was J. Painter, C. Curtis, H. Marsh, T. Hill, SAAG K. Alexander, and P. Boggs.
- 10:40 a.m. - J. Napier made a motion to return to open session, H. Marsh- 2nd and the Board voted unanimously to go back into open session. The Board then certified by voice vote that nothing was discussed in the closed session but legal matters pursuant to 2.2-3711(A)(7). Vote was unanimous.
 - Food Lion 1156 - J. Painter motioned to not accept the additional evidence of the clerk's testimony; H. Marsh seconded and the motion was carried unanimously. J. Painter motioned to accept the findings of fact and substantiate the charge but modify the hearing officer's decision. The privilege of purchasing and selling alcoholic beverages will be suspended for 25 days provided that upon payment of \$5000 as a civil penalty, the suspension shall be terminated; H. Marsh seconded and the motion was carried unanimously.
 - King Pinz - J. Painter motioned to accept the findings of fact and conclusions contained in the Initial decision except as noted in the Special Notice of Modification and to uphold the hearing officer's decision. The privileges of purchasing and selling alcoholic beverages shall be suspended for 45 days, provided, however, that upon payment of \$5000 (\$2500.00 per license) the suspension shall be terminated at the end of 25 days; H. Marsh seconded and the motion was carried unanimously.
 - Baja Bean Co. Restaurant & Cantina - J. Painter motioned to modify the penalty as follows: Charge 4, not substantiated and dismissed. As for Charges 5 & 6 the charges are substantiated but penalty is reduced to a written warning. Charges 1, 2, and 3 are substantiated and the privileges of purchasing and selling Mixed Beverages should be suspended for 10 days; provided, however, that upon payment of \$2,250 (\$750 per charge) the suspension shall be terminated. J. Painter directed SAAG Alexander to produce a special notice of modification. J. Napier seconded the motion and the motion was carried unanimously.
- 11:45 a.m. – With no further business – J. Painter moved to adjourn for the day, J. Napier - 2nd the vote and the vote was passed unanimously.